THE HONOURABLE SRI JUSTICE V.ESWARAIAH

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Date:27-12-2005

WRIT PETITION No.24530 OF 2005

BETWEEN:

Smt.Shradda Dikshit.

…Petitioner

And

The Superintendent of Police, East Godavari District at Kakinada, A.P. & others.

…Respondents

ORDER:

The petitioner seeks to issue a writ of mandamus declaring the action of the 1st respondent in not taking any action and not investigating into the complaint lodged by her husband on 7-8-2005 in respect of

missing of her son Kshitij Dixit and not registering the case as illegal and arbitrary.

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Home.

The petitioner is the mother of the missing man Kshitij Dixit. It is stated that her son married the third respondent at Arya Samaj, Faridabad of Haryana State without the consent of the petitioner and her husband. The third respondent lodged a complaint on 17-7-2005 with the Sub Inspector of Police, II-Town Police Station, Kakinada alleging that her husband Kshitij Dixit while working in Population Services Internation was missing since 16-7-2005 and requested the Station House Officer to take necessary action according to law. Based on the said report, a case in Crime No.126/2005 was registered under the Head – Man Missing and investigation has taken up. While so, the husband of the petitioner also made a representation on 7-8-2005 to the first respondent, stating that the Station House Officer, II-Town Police Station, Kakinada has not taken any action.

The first respondent filed a counter stating that in fact, the marriage was taken place against the consent of the petitioner and her husband and on the day of the marriage itself, things were not peaceful and the petitioner slapped the missing man and did not allow the married couple to enter the house and the family members of the petitioner beat the missing man in the house of the third respondent and the said incident was also recorded in the Daily Diary of Faridabad Outpost at the instance of the third respondent.

Thus, it appears that the family members have not maintained good relationship with the missing man and they have not shown any love and affection and not performed their duties and obligations and not behaved in a proper and justifiable manner. No doubt, all sorts of allegations have been made against the third respondent, but a counter has been filed stating that investigation is going on to trace out the husband of the third respondent on all angles and as and

when the missing man is traced, he will be produced before the concerned court. In view of the aforesaid counter, no further action need to be taken in this writ petition.

The writ petition is closed accordingly. No order as to costs.

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V.ESWARAIAH, J

Date: 27-12-2005.

Shr.